

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5058 OF 2019

Nizar Noor Ali Rangara and Ors. ... Petitioners

Versus

The State of Maharashtra ... Respondents

Mr. Ashok Dubey for the petitioners.

Mr. K.V. Saste, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : FEBRUARY 07, 2020

P.C.:

Heard for some time.

2. According to petitioners, for the very same incident, initially in the year 2013 and thereafter in the year 2014, same complainant filed same grievance against the same accused persons. The report was also lodged in the same police station.

3. We find that as of now two chargesheets are already presented and two trials are pending before 47th Metropolitan Magistrate Court and 19th Metropolitan Magistrate Court at Mumbai. One of the prayers is to club both these trials together.

4. Section 408 of Cr.P.C. empowers the Sessions Court to pass suitable orders in such matters.

5. In this situation, we direct the Sessions Court at Mumbai to look into the grievance and to pass suitable orders at the earliest.
6. Petitioners to move the learned Sessions Court within three weeks from today.
7. Subject to this compliance, stay of further proceedings before the trial court in relation to FIR No. 72 of 2013. This stay however, shall cease to operate automatically, if within three weeks, the court of Sessions is not approached by the petitioners.
8. With these observations, petition is disposed of.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)